

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ADRON LITTLMANE FLOYD #286445,

Plaintiff,

File No. 2:04-CV-282

v.

HON. ROBERT HOLMES BELL

PATRICIA L. CARUSO, et al.,

Defendants.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On February 16, 2012, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation ("R&R") recommending that this case be dismissed in its entirety pursuant to the settlement reached by the parties and placed on the record. (Dkt. No. 221, R&R.) Plaintiff filed objections to the R&R on March 5, 2012. (Dkt. No. 223, Pl.'s Obj.) Plaintiff agrees that the Court should dismiss this case in its entirety against all Defendants except Defendant RN Johnson. Plaintiff objects to dismissal of his claims against Defendant Johnson because a default was entered against Defendant Johnson on November 6, 2008, (Dkt. No. 118), and Defendant Johnson was not represented by the Attorney General in this matter. Plaintiff now requests entry of a default judgment against Defendant Johnson. (Dkt. No. 223, Pl.'s Obj. 3.)

This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The Court has reviewed the transcript of the settlement conference that was conducted telephonically on February 16, 2012. (Dkt. No. 222, Tr. of Settlement Conf.) During the settlement conference the Magistrate Judge noted that “a settlement has been reached in this case wherein plaintiff will agree to dismiss with prejudice **all claims he has filed in this action** with the understanding that upon his discharge from incarceration he will be paid the sum of \$500.” (Tr. 3 (emphasis added).) Plaintiff agreed that the Magistrate Judge accurately set forth the terms of the settlement agreement. (*Id.*) Plaintiff was placed under oath and the Magistrate Judge asked him again if he understood that “based on this settlement this case will be dismissed and you won’t be able to relitigate this case at a later time?” (*Id.*) Plaintiff responded that he understood. (*Id.*) The Magistrate Judge asked if there were any other matters for the court, and he indicated that enter an order of dismissal pursuant to the terms of the settlement agreement would be entered. (*Id.* at 4.) Plaintiff did not raise any questions with respect to Defendant RN Johnson, and Plaintiff did not object to the entry of an order dismissing all claims he filed in this case.

Plaintiff's agreement to dismiss “all claims he has filed in this action” includes dismissal of the claims he filed against Defendant Johnson. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (Dkt. No. 223) are **OVERRULED**.

IT IS FURTHER ORDERED the February 16, 2012, R&R of the Magistrate Judge (Dkt. No. 221) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that this case is **DISMISSED IN ITS ENTIRETY** pursuant to the parties' settlement.

Dated: March 15, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE